

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) **MAIL STOP REFUND**
Shinje KIM et al.)
Application No.: 10/577,433) Group Art Unit: 1638
Filed: April 27, 2006) Examiner: Unassigned
For: MOLECULAR MARKER)
ASSOCIATED WITH CMV)
RESISTANCE AND USE)
THEREOF) Confirmation No.: 6802

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Decision on Petition Under 37 C.F.R. § 1.181 issued February 19, 2010 indicated that a refund of the surcharge fees previously paid by applicants' representative would be refunded. Applicants' representative has not yet received such refund and therefore pursuant to 37 C.F.R. § 1.26, hereby respectfully requests a refund in the amount of \$130.00 in connection with the above-identified application based on the following information.

A Notification of Missing Requirements dated February 9, 2007 was issued requiring submission of an oath or declaration of the inventors to allegedly complete the requirements for acceptance under 35 U.S.C. § 371 and the corresponding late submission surcharge. As applicants fully explained in a Response filed on April 9, 2007, the Notification of Missing Requirements was in error since a Combined Declaration and Power of Attorney executed by the inventors was filed as part of the original application filing on April 27, 2006. A copy of the already filed Declaration, as well as a copy of the date-stamped postcard indicating that the above-identified executed Declaration was filed and received by the United States Patent

and Trademark Office on April 27, 2006 was submitted with the Response filed on April 9, 2007. Even though no surcharge should have been required, applicants' deposit account was eventually charged \$65.00 by the U.S. Patent and Trademark Office on September 14, 2009.

Further, after applicants submitted their Response on April 9, 2007 indicating that the initial Notification was in error, a Notification of Defective Response was issued on December 11, 2009 indicating that the surcharge for late submission of the executed Declaration was still required. This was incorrect since applicants' representative's deposit account was charged on September 14, 2009, however, in an attempt to finally resolve this issue without further expense and burden on applicants, applicants' representative contacted the PCT Help Desk on December 30, 2009 and was informed that both the Notification of Missing Requirements dated February 9, 2007 and the Notification of Defective Response dated December 11, 2009 were in fact both improper. Even though the requirement for submission of the late surcharge was improper, applicants' time period for responding to the Notice of Defective Response was running short. In a further attempt to satisfy the improper surcharge requirement and avoid the application from becoming abandoned for failure to comply, applicants authorized the U.S. Patent and Trademark Office to charge the \$65.00 late surcharge.

Applicants hereby submit that they are entitled a refund in the amount of \$130.00 and request it to be credited to applicants' representatives' **Deposit Account No. 02-4800.**

Patent
Attorney Docket No. 1012679-000120

If there are any questions relating to this Request for Refund, please contact the
undersigned.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: April 14, 2010

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